

IN UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

IN RE: BEXTRA AND CELEBREX
MARKETING AND SALES PRACTICES
AND PRODUCT LIABILITY LITIGATION

MDL Docket No. 1699

Judge Charles R. Breyer

This document relates to:

BERTHA KIVETTE,
Individually and as one of
heirs of the Estate of JOHN WILLIAM
KIVETTE, deceased,
Plaintiff,

**STIPULATION AND ORDER
OF DISMISSAL WITHOUT
PREJUDICE ONLY AS TO
CASE NO. 3:06-cv-05384**

v.

PFIZER, INC. et. al.,

Defendants.

IT IS HEREBY STIPULATED AND AGREED by and between counsels for the Plaintiff and counsel for the Defendants that the Complaint of Plaintiff Bertha Kivette is hereby dismissed without prejudice.

1. Plaintiff is Bertha Kivette; defendants are Pfizer, Inc., Pharmacia Corporation, Monsanto Company, and G.D. Searle L.L.C.;
2. On August 31, 2006, plaintiff sued defendants;
3. Plaintiff moves to dismiss her claims against defendants;
4. This case is not a class action;
5. A receiver has not been appointed to this action;

6. Plaintiff has not dismissed an action based on or including the same claims as those present in this suit.
7. Should Plaintiff or a representative of Plaintiff attempt to re-file her claims against Defendants, they shall do so only by filing said claims in federal court.

Respectfully submitted:

Dated: 5/15/07

By: Navan Ward Jr.
Navan Ward, Jr. (AL State Bar No. WAR062)
Email: navan.ward@beasleyallen.com
Jere L. Beasley (AL State Bar No. BEA020)
Email: jere.beasley@beasleyallen.com
Gerald B. Taylor, Jr. (AL State Bar No. TAY026)
Email: jerry.taylor@beasleyallen.com
Andy D. Birchfield, Jr. (AL State Bar No. BIR006)
Email: andy.birchfield@beasleyallen.com
BEASLEY, ALLEN, CROW, METHVIN,
PORTIS & MILES, P.C.
Post Office Box 4160
Montgomery, Alabama 36103-4160
(334) 269-2343 telephone
(334) 954-7555 facsimile

Attorneys for Plaintiff

Dated: 5/15/07

GORDON & REES



Stuart M. Gordon, Esq.
Embarcadero Center West
275 Battery Street 20th Floor
San Francisco, CA 94111
(415) 986-5900 (Tel.)
(415) 986-8054 (Fax)

Defendant's Liaison Counsel

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: May 17, 2007

Hon. Charles R. Breyer
United States District Court

